REMARKS

Claims 2, 4, 6, 8, and 10-14 and new claims 15 - 20 are pending in this application. By this amendment, claims 2, 8, 10-14 have been amended for clarification purposes.

Claims 2-14 are objected to because at line 1 of each of claims 2,3, and 10-14, it appears that "the end" should be "an end." Claims 2, and 10-14 are not being amended for reasons related to patentability, nor for the purpose of overcoming prior art. Applicant submits that the amendments to claims 2, 10-14, including changing the word "the" to the word "an", are formalistic changes or for clarification only and do not materially differentiate the pending claims from the corresponding claims of unexpired U.S. Patent No. '350 to Burris et al. (hereinafter "the Burris patent"). The claims continue to be drawn to the same patentable invention as in the corresponding claims of unexpired U.S. Patent No. '350 to Burris et al. The pending claims continue to be presented to provoke an interference with the Burris patent. See the Applicant's Remarks beginning at page 10 of the Preliminary Amendment, which are incorporated herein by reference as if fully set forth. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 3, 5, 7, and 9 are rejected under 35 U.S.C. § 112, second paragraph, because they are substantially the same as claims 2, 4, 6 and 8, as pointed out by the Examiner. Claims 3,

5, 7, and 9 were cancelled (in the prior amendment) not for reasons related to patentability of such claims in view of prior art. They were cancelled because they are substantially the same as claims 2, 4, 6 and 8 as pointed out by the Examiner.

With respect to the examiner's rejection of claim 12 under 35 U.S.C. §112, first paragraph, in which the examiner alleged that "although the present invention comprises a corrugated surface portion 146 [on the deformable open rear end of the cylinder sleeve], it is not formed to facilitate radial movement of the sleeve," but rather to "reduce the driving force needed for the fastener," applicant requests reconsideration in light of the following argument. The Applicant submits that in light of the shape and co-operative nature of the physical structures (i.e., co-operation of the "sleeve" of the connector body 124 and the "fastener" member 128), any supposed difference between the phrase "to facilitate movement (e.g. radial movement) of the cylindrical sleeve" and the phrase **to reduce the driving force needed to move** or slide fastener member 128" (which radially inwardly deforms/moves the cylindrical sleeve) are purely semantical (i.e., a mere matter of language) with no difference in substance.

Claim 12 claims that the corrugated surface of the compressible sleeve does "facilitate movement of said cylindrical sleeve." The movement of the cylindrical sleeve is inward radially. Of course, the word "facilitate" means, "to make easy or easier." The application states : "This corrugated surface

portion is believed **to reduce the driving force needed to move** or slide fastener member 128 along connector body 124." Axial movement (or sliding) of the fastener member 128 along the body member for use of the invention **requires** an inward (i.e., radial) deformation (i.e., radial movement) of the open rear end portion of the sleeve included in the connector body 124. The "force needed" is the force needed to cause that inward movement/deformation. It will be readily apparent to persons skilled in the art, e.g., mechanical engineers, that the axial "driving force needed for [driving] the fastener" over the cylindrical sleeve directly relates to the force needed to move, deform, compress (i.e., induce the inward "radial movement of") deformable open rear end of the cylindrical sleeve. The axial driving "force needed" is the CAUSE, and the deformation (i.e., the result of the "radial movement") is an EFFECT of that CAUSE. Conversely, the "facilitat[ion]" of that EFFECT (i.e., deformation through radial movement), is observed as the reduction in the required quantity of that CAUSE (i.e, the reduction of the Force needed to radially deform the sleeve). Therefore, the "ease", associated with the "radial movement of said cylindrical sleeve", is observable and measurable as a reduction of the axial driving "force needed" for driving the fastener over the sleeve while compressing (i.e., forcing radial movement of) the said cylindrical sleeve. In other words, the "ease" or "facilitat[ion]" which is experienced by providing the corrugated surface, is observed and perceived and is quantifiable

as the measurable reduction of the driving "force" needed for driving the fastener over the sleeve. Applicant submits that the specification's reference to the measurable reduction of that axial "force needed" is a precise, definite, and accurate way of saying that the radial movement (inward deformation) of said cylindrical sleeve is "facilitated" by providing the corrugated surface. The inventors, were certainly aware that the "force needed" for axial advancement of the fastener member 128 was due to the equal and opposite force presented by the cylindrical sleeve while undergoing radial movement (inward deformation). Thus, the Applicant's explicit and precise disclosure that the corrugated surface "reduces" the driving "force needed" (i.e., force needed to "force" the axial advancement of the fastener member and the radial movement of the cylindrical sleeve) provides complete support for the claim language that the corrugated surface "facilitates" the radial movement of said cylindrical sleeve, and would clearly convey to one skilled in the art that the inventor, at the time of the application was filed, had possession of the claimed invention.

Applicant's claim 12, directed to corrugations for facilitation of radial movement of the sleeve is to be understood in light of the common definition of the term "radial," which includes "**Moving** or directed along a radius." Thus, the recited "movement of said cylindrical sleeve as said fastener member is axially advanced" referred to in claim 12 is essentially the same event as the claimed inherent feature "**CAUSING** said rear end

portion of said cylindrical sleeve to be DEFORMED INWARDLY toward said tubular post ... as said compression ring (i.e., fastener member) is ADVANCED AXIALLY over the cylindrical body member toward the second end of said cylindrical body member" as in claim 2-8. Thus, the CAUSal relationship existing between the "radial movement" ("deformed inwardly") and the axial advancement of the compression ring/fastener member was certainly known by the applicants. The causal relationship between the "Deformed inwardly"/"radial movement" event and the "compression ring (fastener member) is ADVANCED AXIALLY" (while "force needed" is applied) event would be obvious even to lay persons, because these events would occur simultaneously, and are essentially the same event. In other words, the human observation that radial "movement" of the sleeve has been "facilitated," would be simultaneous with and humanly indistinguishable from the observation that the "force needed" for axial advancement of the fastener member has been "reduced". These stated observations of the results of the corrugated surface are actually statements of the same result of the same structure (the corrugated surface), the "for" result being merely described in different words being directed to the same patentable subject matter. Accordingly, Applicant respectfully requests the Examiner to withdraw the section 112, first paragraph, rejection of claim 12.

In the Office Action, independent claims 2, 8, 10, 13 and 14 are rejected under 35 U.S.C. §102(e) as being anticipated by Holliday 5,863,220 (see Fig. 4), despite the fact that the US

Patent Office had already specifically decided that claims 2, 8, 10, 13 (copied verbatim from the U.S. patent issued to Burris, U.S. Patent No. 5,997,350 ('350)) are patentable over U.S. Patent 5,863,220 issued to Holliday. As the result of an interview between the Examiner and Applicant's representative, Arlen Olsen, it is Applicant's understanding that the Examiner's present interpretation of Burris' claims 1, 5, 6 and 7 (corresponding to copied claims 2, 8, 10, 13 pending herein) in relation to Holliday '220 is as follows: The claimed "cylindrical **sleeve** having an outer wall of a first predetermined diameter" corresponds to the "outer **sleeve** 62" of Holliday '220 **PLUS** "the threaded portion 66" of "cylindrical connector body 60" of Holliday '220, and thus the claimed "first predetermined diameter" may be a diameter of "the threaded portion 66", and not necessarily a diameter of the "outer **sleeve** 62" of Holliday '220; The claimed "open rear end portion [of the cylindrical sleeve] for receiving the outer jacket of the coaxial cable, said open rear end portion being deformable" corresponds to the deformable "outer sleeve 62" of Holliday '220; The claimed "compression ring" corresponds to the entire "spicing device 18 or 18'" of Holliday '220 Fig. 4; The claimed "first internal bore [of the compression ring] of a diameter commensurate with the first predetermined diameter" corresponds to "internally threaded portion 50' of the splicing device 18'" of Holliday '220 which (for purposes of threaded engagement) may be said to have a diameter commensurate with the diameter of "the threaded portion

66" of "cylindrical connector body 60" of Holliday '220.

Thus, according to the Examiner's present interpretation of the claims copied from the Burris patent, claims 1, 5, 6 and 7 of U.S. Patent No. '350 issued to Burris et al. are anticipated by Holliday '220 and are unpatentable, and such claims in the Burris Patent are invalid. It follows only from the Examiner's present interpretation of the Burris claims that the claims pending herein which were copied verbatim from the Burris patent, are anticipated by Holliday '220. Holliday '220 was cited as of record by the Patent Office in the Burris et al '350 patent from which the present claims were copied.

Applicant notes that an alternative interpretation of claims 1, 5, 6 and 7 of Burris is reasonable wherein the claimed deformable open rear end of "cylindrical **sleeve** having an outer wall of a first predetermined diameter" corresponds to the "outer **sleeve** 62" of Holliday '220 and NOT to "the threaded portion 66" of "cylindrical connector body 60" of Holliday '220. Under this interpretation, the claimed "first predetermined diameter" may correspond to a diameter of the deformable "outer **sleeve** 62" of Holliday '220 but NOT a diameter of "the threaded portion 66". This alternative interpretation correlates "sleeve"-to-"sleeve" and results in the conclusion, consistent with the decision originally made by the Patent Office in the Burris application, that the pending claims are patentable to the Applicant herein.

Applicant submits that the latter reasonable interpretation of the Burris claims should be consistently applied to the

Applicant's application as it was applied to the similar application of Burris. However, in view of the Examiner's position that a broader interpretation shall be applied to Applicant's copied claims than was applied to the same claims in the application of Burris, Applicant has amended pending independent claims 2, 10, 11, and 13. In the event that it be finally determined that the Examiner's present broad interpretation is appropriate for the pending claims copied from the Burris patent, this amendment is for clarification purposes only and not as a narrowing amendment nor for reasons related to patentability. The independent claims 2, 10, 11, and 13 continue to be drawn to the same patentable invention as in the corresponding claims of unexpired U.S. Patent No. '350 to Burris et al.

In accordance with discussions, of possible clarifying language, between the Examiner and the Applicants' representatives (Arlen Olsen and Mark Ferran) on September 6, 2001, the present amendment (at paragraph c of the independent claims 2, 10, 11, and 13) substitutes the paraphrased original language of paragraph e "***deformed*** inwardly toward said tubular post and against the jacket of the coaxial cable ***when*** a compression ring is advanced axially over the first end of said cylindrical body member" for the word "deformable" to define the "open rear end portion" of the sleeve. It is believed that this amendment sufficiently clarifies the meaning that was originally intended for the word "deformable" in paragraph c as to clarify

that the "open rear end portion" where the "first predetermined diameter" is measurable, is a diameter of the deformable portion of the sleeve that is deformed when as stated in paragraph e. Thus, the invention claimed features: a deformable rear end portion of a sleeve, the deformable rear end portion having a first predetermined diameter; a compression ring including a first internal bore "of a diameter commensurate with the first predetermined diameter" and a second internal bore (of a smaller diameter than the first) and an inwardly tapered annular wall (disposed between the first internal bore and second internal bore) for "causing said rear end portion of said cylindrical sleeve to be deformed inwardly."

The Holliday '220 reference does not teach each and every feature of the claimed invention as required by law to support a rejection under 102. To anticipate a claim, a prior art reference must disclose every feature of the claimed invention either explicitly or inherently. *Glaxo Inc. v. Novopham Ltd.* 52 F.3d 1043 (1995). As the Examiner has pointed out, Holliday does show a "cylindrical body member 60 with a [compressible] sleeve 62" and a "splicing" structure 18' that includes "a compression ring" having "an inwardly tapered annular wall". However, Holliday DOES NOT DISCLOSE NOR SUGGEST, *inter alia*,

> c. a cylindrical body member having a first end and a second end, the first end of said cylindrical body member including a cylindrical sleeve having an open rear end portion, said open rear end portion having an outer wall of a first predetermined diameter and an inner wall, the inner wall bounding a first central bore extending about said tubular post, the second end of said cylindrical body member engaging said tubular post proximate the second end thereof,

said open rear end portion for receiving the outer jacket of the coaxial cable, said open rear end portion being deformed inwardly toward said tubular post and against the jacket of the coaxial cable when a compression ring is advanced axially over the first end of said cylindrical body member;

d. [a] the compression ring having first and second opposing ends and having a central passageway extending therethrough between the first and second ends thereof, the first end of said compression ring having a first internal bore of a diameter commensurate with the first predetermined diameter of the outer wall of said open rear end portion of said cylindrical sleeve for allowing the first end of said compression ring to extend over the first end of said cylindrical body member, the central passageway of said compression ring including an inwardly tapered annular wall leading from the first internal bore and narrowing to a reduced diameter as compared with the first predetermined diameter; and

e. said inwardly tapered annular wall causing said open rear end portion of said cylindrical sleeve to be deformed inwardly toward said tubular post and against the jacket of the coaxial cable as said compression ring is advanced axially over the cylindrical body member toward the second end of said cylindrical body member.

as claimed in paragraph "d" of each of independent claims 2, 10, 11, and 13. For example, Holliday '220 DOES NOT DISCLOSE NOR SUGGEST "a first internal bore of a diameter commensurate with the first predetermined diameter of the outer wall of said open rear end portion of said cylindrical sleeve", the "open rear end portion" being "deformed" (by advancement of the compression ring) as claimed in each of independent claims 2, 10, 11, and 13.

The cylindrical "internally threaded portion 50" (Holliday '220) leading from the "inwardly tapered annular wall" 54 (within structure 18 or 18' of Holliday '220) is clearly NOT of a diameter commensurate with the first predetermined diameter of the outer wall of a deformable open rear end portion of said cylindrical sleeve as claimed in each of independent claims 2,

10, 11 and 13.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejections of independent claims 2, 10, 11 and 13, and claims depending therefrom and declare an interference with the Burris patent.

Similarly, the Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 12 and 14 under 102(e), because Holliday '220 does not teach nor suggest:

> a fastener member [e.g., "compression ring"] having first and second opposing openings and having a second cavity extending therethrough between the first and second opposing openings thereof, the first opening of said fastener member having a first inner bore of a diameter commensurate with the first predetermined diameter of **the outer wall** of said connector body **for allowing** the **first *opening*** of said fastener member **to extend over the first *end* of said connector body**, the second cavity of said fastener member including **a ramped surface *leading from the first inner bore* and narrowing to a reduced diameter** ... said ramped surface causing said open end of said cylindrical sleeve to be deformed inwardly

as claimed in independent claims 12 and 14.

Similarly, the Applicant respectfully requests that the Examiner withdraw the rejection of claims 4 and 6 under 103(a), the rejection being made in view of Holliday '220 and Szegda (U.S. Pat. No. 5,470,257). Applicant notes that both Holliday '220 and Szegda '257 are cited as "References Cited" and considered by the USPTO in the Burris Patent, No. '350, from which the pending claims were copied.

Neither Holliday '220 nor Szegda '257, taken either alone or in combination, teaches nor suggests: a deformable rear end portion of a sleeve, the deformable rear end portion having a first predetermined diameter; a compression ring including a

first internal bore "of a diameter commensurate with the first predetermined diameter" and a second internal bore (of a smaller diameter than the first) and an inwardly tapered annular wall (disposed between the first internal bore and second internal bore) for "causing said rear end portion of said cylindrical sleeve to be deformed inwardly." as claimed in pending dependent claims 4 and 6.

Finally, although the asserted grounds for rejection of claims 13 and 14 under 102(e) is mooted by the above arguments, it is worthy of note that the "threads 66" provided in Holliday '220 are not provided "to reduce the driving force" needed to advance the compression ring within structure 18', but quite the contrary, the threads are provided to PRODUCE the large driving force needed to advance the compression ring within structure 18' over the non-corrugated deformable sleeve 62 while compressing the sleeve. Further, the "threads 66" of Holliday '220 are not provided in the "sleeve" that undergoes "radial movement" but rather in a part that is remote from that "sleeve" and which undergoes no significant "radial movement."

New claims 15 - 20 reflect the observation that the connector of Holliday includes an internally threaded cylinder 50 (having helical threads) and a matching externally threaded (hollow) screw segment 32 which are purposefully longer (axially) than the deformable segment (sleeve 36) of the cylindrical body member. The threaded segments of the Holliday connector are provided for the purpose of producing the force needed to axially

advance the inwardly tapered segment (54 & 53) of a compressing ring over the deformable sleeve (36). In order to produce this force, the internal threads and the external threads must be engaged. Engagement of the threaded segments requires a slight overlapping of the internally threaded component with the externally threaded component. Thus, the length of the threaded segments (or at least the length of the externally threaded segment) is greater than the length of the deformable sleeve, so that the all the force needed to axially advance the inwardly tapered segment (54 & 53) of a compressing ring over the deformable sleeve (36) is produced by the engagement of the action of the engaged threaded segments.

Accordingly, new claim 15 is materially the same as original claim 2 except that paragraph c includes the feature, wherein the axial length of the cylindrical sleeve is less than the axial length of the first end of said tubular post".

New claim 16 is materially the same as original claim 2 except that paragraph d includes the feature, "wherein the first internal bore is without helical threads".

New claim 17 is materially the same as original claim 2 except that paragraph d includes the feature, "wherein the first internal bore is a substantially smooth bore".

New claim 18 is materially the same as original claim 2 except that paragraph d includes the feature, "wherein the axial length of the central passageway of the compression ring is approximately equal to or less than the axial length of the first

end of said tubular post".

New claim 19 is materially the same as original claim 2 except that paragraph d includes the feature, "wherein the axial length of the first internal bore is less than the axial length of the first end of said tubular post".

New claim 20 is materially the same as original claim 2 except that paragraph d includes the feature, "wherein the axial length of the first internal bore is less than the axial length of the deformable rear end portion of the cylindrical sleeve".

It is believed, that since the Holliday '220 apparatus does, and the present invention does not require helical threads for producing the force needed to axially advance the compression ring over and to compress a deformable sleeve, the Holliday '220 apparatus does not teach or suggest each and every feature claimed in new claims 15-20.

CONCLUSION

In conclusion, Applicant respectfully submits that the application is in condition for allowance. Applicants further submit that the Examiner should declare an interference with the the Burris patent (U.S. Patent No. '350 to Burris et al.

Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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